

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE - N/S Clearwood Road,
530' E of the c/l Oakleigh Avenue* DEPUTY ZONING COMMISSIONER
(1820 Clearwood Road)
9th Election District * OF BALTIMORE COUNTY
4th Councilmanic District * Case No. 98-438-SPHA

Estate of Doris L. Buttton
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, the Estate of Doris L. Buttton, by Linda Terry, Personal Representative, through their attorney, Newton A. Williams, Esquire. The Petitioners seek approval to retain an existing accessory structure (garage) on a new lot which does not have an existing principal structure, and variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: 1) From Section 1B02.3.C to permit a lot width of 50 feet (52.3 feet at street line) in lieu of the required 55 feet, side yard setbacks of 7 feet and 8 feet in lieu of the required 10 feet each for an existing principal building (garage), and a side yard setback of 0 feet in lieu of the required 10 feet for an existing enclosed patio; 2) from Section 301 to permit an open projection setback of 0 feet in lieu of the required 7.5 feet for said patio; and, 3) from Section 400.1 to permit a setback of 0 feet in lieu of the required 2.5 feet for an existing accessory structure (shed) and to permit an accessory structure (carport) to be located in the front yard in lieu of the required rear yard. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

ORDER RECEIVED FOR FILING

Date 7/29/98

By [Signature]

Appearing at the hearing on behalf of the Petitions were Kenneth J. Wells, Registered Property Line Surveyor who prepared the site plan for this property, and Newton A. Williams, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a narrow, rectangular shaped parcel located between Clearwood Road and Putty Hill Avenue in the Hillendale Farms community of Parkville. The property consists of a gross area of 0.3978 acres, more or less, zoned D.R. 5.5, with approximately 52.3 feet of road frontage along Putty Hill Avenue and 50 feet of width along Clearwood Road. The property is roughly 355 feet deep on one side and 340 deep on the other. At the present time, the site is improved with a single family dwelling with an attached patio, an accessory carport, an accessory shed, all of which are located towards that portion of the site with frontage on Clearwood Road, and an accessory garage building which is located towards the rear of the property. The Petitioners propose to split the property in half so as to create two lots. Proposed Lot 1 would retain all existing improvements with the exception of the accessory garage, which the Petitioners would like to retain on Proposed Lot 2. Proposed Lot 2 would front on Putty Hill Avenue and could be developed with a single family home, as shown on Petitioner's Exhibit 1. However, in order to subdivide the property as proposed, a special hearing is necessary to allow the existing garage to remain on proposed Lot 2, which does not contain a principal dwelling at this time. In addition, the requested variances are necessary to legitimize existing conditions on proposed Lot 1.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing and variance relief are not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that strict compliance with the zoning regulations would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not result in any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20th day of July, 1998 that the Petition for Special Hearing seeking approval to retain an existing garage on a new lot

without an existing principal structure, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,


IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

1) From Section 1B02.3.C to permit a lot width of 50 feet (52.3 feet at street line) in lieu of the required 55 feet, side yard setbacks of 7 feet and 8 feet in lieu of the required 10 feet each for an existing principal building (garage), and a side yard setback of 0 feet in lieu of the required 10 feet for an existing enclosed patio; 2) from Section 301 to permit an open projection setback of 0 feet in lieu of the required 7.5 feet for said patio; and, 3) from Section 400.1 to permit a setback of 0 feet in lieu of the required 2.5 feet for an existing accessory structure (shed) and to permit an accessory structure (carport) to be located in the front yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

July 20, 1998

Newton A. Williams, Esquire
Nolan, Plumhoff & Williams
502 Washington Avenue, Suite 700
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
N/S Clearwood Road, 530' E of the c/l Oakleigh Avenue
(1820 Clearwood Road)
9th Election District - 4th Councilmanic District
Estate of Doris L. Buttion - Petitioner
Case No. 98-438-SPHA

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Ms. Linda Terry
P.O. Box 162, Jarrettsville, Md. 21084

Mr. Kenneth J. Wells
7403 New Cut Road, Kingsville, Md. 21087

People's Counsel; Case Files





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County
for the property located at 1820 Clearwood Road
which is presently zoned D.R.5.5.

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve to retain existing garage on new lot without an existing principal structure

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I, We do solemnly declare and affirm, under the penalties of perjury, that I/We are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zip Code

Attorney for Petitioner:

Newton A. Williams

Nolan, Plumhoff & Williams, Chtd.

(Type or Print Name)

Signature

700 Nottingham Centre

592 Washington Avenue

410-823-7800

Address

Phone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Estate of Doris L. Buttion, Linda Terry, Personal Representative

(Type or Print Name)

Signature

(Type or Print Name)

Signature

P.O. Box 162

Address

410-426-4504

Phone No.

Jarrettsville

MD

21084

City

State

Zip Code

Name, Address and phone number of representative to be contacted.

Newton A. Williams

Nolan, Plumhoff & Williams, Chtd.

Name

700 Nottingham Centre

502 Washington Avenue

Towson, MD 21204

Address

410-823-7800

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing the following dates

Next TWO Months

ALL

OTHER

REVIEWED BY:

DATE

98-438-SPHA

ORDER RECEIVED FOR FILING

Date

By

No Review

5/13/98



**REASONS FOR REQUESTED VARIANCES
AND SPECIAL HEARING**

1. The present property has frontage on two public streets, and is on average 345 feet in depth.
2. The proposal is to create two lots, one on Clearwood Rd., 1820 with the existing house, and a second lot on Putty Hill Ave., with the existing garage.
3. The existing house on 1820 needs variance nos. 2. And 3. Under Section 1B02. 3. C. 1., sideyards of 7 and 8 feet for required 10 feet, and a zero side yard for the patio for 10 feet, enclosed.
4. Both the old and new lots are only 50 feet wide, requiring a variance of 5 feet from required 55 feet. The subdivision predates the 1955 Regulations, and the Estate does not own any adjoining land , nor is there any available.
5. The existing overly deep lot is wasteful , and the proposed relief will allow the use of this valuable infill site.
6. The existing house and patio cannot be reduced in width as a practical matter, nor can the patio which is enclosed be relocated.
7. The garage is on the proposed new lot , and it is wasteful and improper to remove it. The garage can serve the new lot.
8. Without the requested variances the estate will sustain practical difficulty and unreasonable hardship, and the requested relief will foster the spirit and intent of the Regulations.
9. Both the lot and the house are unique and have special characteristics not common to others in the area, and their combination makes them more unique and deserving relief.
10. Such other facts as shall be disclosed as the matter unfolds.

Respectfully submitted,

NEWTON A. WILLIAMS, Attorney
Estate of Doris L. Buttton

NOLAN, PLUMHOFF AND WILLIAMS
502 Washington Ave.
Towson, MD. 212
410 823 7800

ORDER RECEIVED FOR FILING

Date 7/27/98

By [Signature]



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 1820 Clearwood Road
which is presently zoned D.R.5.5.

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section(s)

See attached table

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

See Attached

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I, We do solemnly declare and affirm, under the penalties of perjury, that I/We are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zip Code

Attorney for Petitioner:

Newton A. Williams

Nolan, Plumhoff & Williams, Chtd.

(Type or Print Name)

Newton A. Williams
Signature

700 Nottingham Centre
502 Washington Avenue 410-823-7800

Towson MD 21204
City State Zip Code

Legal Owner(s):

Estate of Doris L. Button

Linda Ann Terry, Personal Representative

(Type or Print Name)

Signature

(Type or Print Name)

Signature

P.O. Box 162

Address

410-426-5104

Phone No.

Jarrettsville

City

MD

State

21084

Zip Code

Name, Address and phone number of representative to be contacted.

Newton A. Williams

Nolan, Plumhoff & Williams, Chtd.

Name

700 Nottingham Centre

502 Washington Avenue

Towson, MD 21204

410-823-7800

Address

Phone No.

Office Use Only

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following dates 7/2 Next Two Months

ALL

OTHER

REVIEWED BY: DATE

98-438-SPHA

ORDER RECEIVED FOR FILING

Date

By

Drop Off
No Review
5/13/98
42
Zoning Administration and Development Management

VARIANCE REQUESTED:

SECTION 18023C:

- 1) TO ALLOW A LOT OF FIFTY (50) FEET IN WIDTH (52.5 FEET AT STREET LINE) IN LIEU OF THE REQUIRED FIFTY FIVE (55) FEET.
- 2) TO ALLOW A SIDE YARD OF SEVEN (7) AND EIGHT (8) FEET IN LIEU OF THE REQUIRED TEN (10) FEET FOR AN EXISTING PRINCIPAL BUILDING
- 3) TO ALLOW A SIDE YARD OF ZERO (0) FEET IN LIEU OF THE REQUIRED TEN (10) FEET FOR AN EXISTING ENCLOSED PATIO

SECTION 301.1

TO ALLOW A ^{open projection} SET BACK OF ZERO (0) FEET IN LIEU OF THE REQUIRED SEVEN AND ONE HALF (7.5) FEET FOR AN EXISTING PATIO

SECTION 400.1

- 1) TO ALLOW A SET BACK OF ZERO (0) FEET IN LIEU OF THE REQUIRED TWO AND ONE HALF (2.5) FEET FOR AN EXISTING ACCESSORY SHED STRUCTURE.
- 2) TO ALLOW AN ACCESSORY CARPORT STRUCTURE TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE REQUIRED REAR YARD

SPECIAL HEARING REQUESTED:

TO PERMIT AN EXISTING ACCESSORY GARAGE STRUCTURE TO BE LOCATED ON A PROPOSED NEW LOT WITHOUT A PRINCIPAL STRUCTURE

ORDER RECEIVED FOR FILING

Date

By

kjWellsInc
Land Surveying and Site Planning

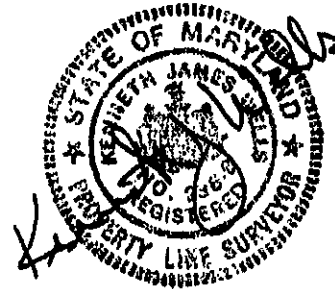
Telephone: (410) 582-8800
Telecopier: (410) 817-4329
email: kjWellsInc@man.com

7403 New Cut Road
Kingsville, Md. 21087-1132

10/20/97

**ZONING DESCRIPTION
OF
1820 CLEARWOOD ROAD
Baltimore County
Maryland**

Beginning at a point on the north side of Clearwood Road which is 40 feet wide at a distance of 530 feet east of the centerline of Oakleigh Avenue which is 40 feet wide. Being Lot 119 in the Subdivision of Hillendale Farms as recorded in Baltimore County Plat Book 8 folios 92 and 93 containing 0.3978 acres.



98-438-SPHA

BALTIMORE COUNTY, MD AND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 048759

DATE 5/13/98 ACCOUNT 001-6150

AMOUNT \$ 500.00 (WCR)

RECEIVED FROM: The Estate of Doris I. Patton

FOR: #020 VARIANCE & #040 SPECIAL HEARING

1820 Clearwood Road Item #438
Drop-Off - No Review Case #98-438-SMA

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PROCESSED 5/14/1998 14:48:53

5/15/1998 5/14/1998 14:48:53

5 MISCELLANEOUS CASH RECEIPT

Receipt # 050569

OR NO. 048759

500.00 CHECK

Baltimore County, Maryland

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case #88-438-SPHA
1820 Clearwood Road (Lot #119 of Hillendale Farms, Plat Book 8-92/93)
MS Clearwood Road, approx 500' E of centerline Oakleigh Road, also SES Paddy Hill Avenue
9th Election District
4th Councilmanic District

Legal Owner(s)
Estate of Dora L. Baltion

Special Hearing for approval to retain existing garage on new lot without an existing principal structure. **Variance:** to allow a lot of 50 feet in width in lieu of the required 55 feet to allow a side yard of 7 and 8 feet in lieu of the required 10 feet for an existing principal building; to allow a side yard of zero feet in lieu of the required 10 feet for an existing enclosed patio; to allow an open projection setback of zero feet in lieu of the required 7-1/2 feet for an existing patio; to allow a setback of zero feet in lieu of the required 2-1/2 feet for an existing accessory shed structure; and to allow an accessory carport structure to be located in the front yard in lieu of the required rear yard. **Hearing: Monday, June 29, 1998 at 2:30 p.m. in Room 407, County Courts Bldg., 401 Barclay Avenue.**

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Call (410) 887-3353.
(2) For information concerning the file and/or hearing, Please Call (410) 887-3331.

07155 June 11 12353001

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/11, 1998

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/11, 1998.

THE JEFFERSONIAN,

A. H. Williams
LEGAL AD. - TOWSON

CERTIFICATE OF POSTING

RE Case No. 98-438-SPHA

Petitioner/Developer D.L. BUTTION, ETAL
% NEWTON WILLIAMS, ESQ

Date of Hearing/Closing: 6/29/98

Baltimore County Department of
 Permits and Development Management
 County Office Building, Room 111
 111 West Chesapeake Avenue
 Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Sir/Ms and Gentlemen

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
 were posted conspicuously on the property located at #1820 CLEARWOOD ROAD

The sign(s) were posted on 6/13/98
 (Month, Day, Year)

Sincerely,

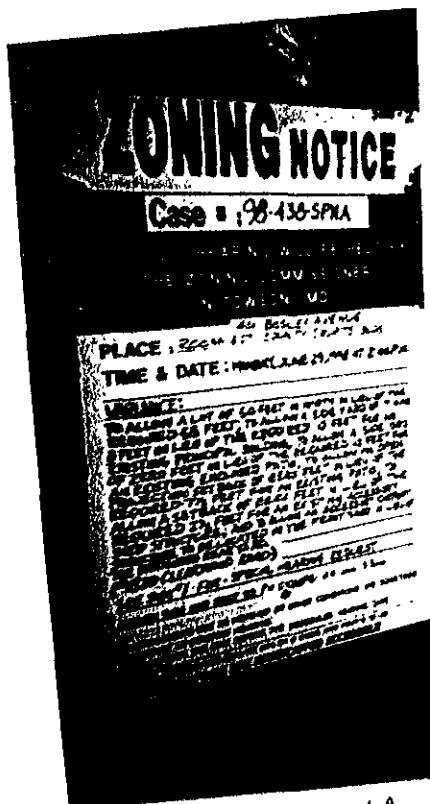
Patrick M. O'Keefe 6/10/98
 (Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
 (Printed Name)

523 PENNY LANE
 (Address)

HUNT VALLEY, MD. 21030
 (City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571
 (Telephone Number)



98-438-SPHA

11-1/29/98

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 98-438-SPHA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST SPECIAL HEARING for approval to retain existing garage on new lot without an existing principal structure. VARIANCE to allow a lot of 50 feet in width in lieu of the required 55 feet; to allow a side yard of 7 and 8 feet in lieu of the required 10 feet for an existing principal building; to allow a side yard of zero feet in lieu of the required 10 feet for an existing enclosed patio; to allow an open projection setback of zero feet in lieu of the required 7-1/2 feet for an existing patio; to allow a setback of zero feet in lieu of the required 2-1/2 feet for an existing accessory shed structure; and to allow an accessory carport structure to be located in the front yard in lieu of the required rear yard.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
June 11, 1998 Issue - Jeffersonian

Please forward billing to:

Newton A. Williams, Esquire
Nolan, Plumhoff & Williams
700 Nottingham Centre
502 Washington Avenue
Towson, MD 21204

410-823-7800

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-438-SPHA

1820 Clearwood Road (Lot #119 of Hillendale Farms, Plat Book 8-92/93)

N/S Clearwood Road, approx. 500' E of centerline Oakleigh Road; also SE/S Putty Hill Avenue
9th Election District - 4th Councilmanic District

Legal Owner: Estate of Doris L. Buttion

Special Hearing for approval to retain existing garage on new lot without an existing principal structure. Variance to allow a lot of 50 feet in width in lieu of the required 55 feet; to allow a side yard of 7 and 8 feet in lieu of the required 10 feet for an existing principal building; to allow a side yard of zero feet in lieu of the required 10 feet for an existing enclosed patio; to allow an open projection setback of zero feet in lieu of the required 7-1/2 feet for an existing patio; to allow a setback of zero feet in lieu of the required 2-1/2 feet for an existing accessory shed structure; and to allow an accessory carport structure to be located in the front yard in lieu of the required rear yard.

HEARING: Monday, June 29, 1998 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS
PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-
887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 22, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-438-SPHA

1820 Clearwood Road (Lot #119 of Hillendale Farms, Plat Book 8-92/93)

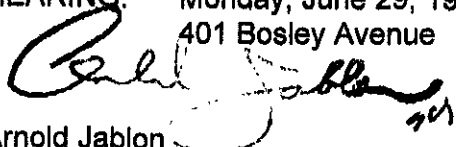
N/S Clearwood Road, approx. 500' E of centerline Oakleigh Road; also SE/S Putty Hill Avenue

9th Election District - 4th Councilmanic District

Legal Owner: Estate of Doris L. Buttton

Special Hearing for approval to retain existing garage on new lot without an existing principal structure. Variance to allow a lot of 50 feet in width in lieu of the required 55 feet; to allow a side yard of 7 and 8 feet in lieu of the required 10 feet for an existing principal building; to allow a side yard of zero feet in lieu of the required 10 feet for an existing enclosed patio; to allow an open projection setback of zero feet in lieu of the required 7-1/2 feet for an existing patio; to allow a setback of zero feet in lieu of the required 2-1/2 feet for an existing accessory shed structure; and to allow an accessory carport structure to be located in the front yard in lieu of the required rear yard.

HEARING: Monday, June 29, 1998 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue


Arnold Jablon
Director

c: Newton A. Williams, Esquire
Estate of Doris Buttton

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JUNE 14, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 23, 1998

Newton A. Williams, Esq.
Nolan, Plumhoff & Williams, Chtd.
700 Nottingham Centre
502 Washington Avenue
Towson, MD 21204

RE: Item No.: 438
Case No.: 98-438-SPHA
Petitioner: Estate of Doris
L. Buttion
Location: 1820 Clearwood Road


Dear Mr. Williams:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 13, 1998.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Gwendolyn Stephens in the zoning office (410-887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR:ggs
Attachment(s)



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: POM

FROM: R. Bruce Seeley. *RBS/97*
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: *5/26/98*

DATE: *5/29/98*

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

<i>428</i>	<i>433</i>
<i>430</i>	<i>437</i>
<i>431</i>	<i>438</i>
<i>432</i>	<i>440</i>

RBS:sp

BRUCE2/DEPRM/TXTSBP



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 5-22-9V
Item No. 43V WCR

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

10 Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: June 8, 1998

FROM: Robert W. Bowling, Chief
 Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
 for June 1, 1998
 Item No. 438

The Development Plans Review Division has reviewed the subject zoning item. This site is subject to the development regulation of the County; the subdivision of land into three (3) or fewer lots for residential single-family dwellings.

RWB:HJO:jrb

cc: File

ZONE0601.438



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

June 12, 1998

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: ESTATE OF DORIS L. BUTTION, LINDA
TERRY, PERSONAL REPRESENTATIVE

Item No.: 98-438-SPHA

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Marshal's Office has no comments at this time.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

1	2	3	4	5	6	7	8	9	10
								2 1998	
								FIVE	

TO: Arnold Jablon, Director
and Development Management

DATE: June 1, 1998

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 1820 Clearwood Road

INFORMATION

Item Number: 438 .

Petitioner: Estate of Doris L. Buttton, Linda Terry, Personal Representative

Zoning: DR 5.5

Requested Action: Special Hearing & Variance

Summary of Recommendations:

The Office of Planning does not oppose retaining the existing garage on a lot without a principal structure provided that the garage is for the sole use of the owner or tenant residing at 1820 Clearwood Road.

Prepared by: Jeffrey W. Long

Division Chief: Gary L. Keene

AFK/JL



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

May 27, 1998

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: See Below

Location: DISTRIBUTION MEETING OF MAY 26, 1998

Item No.: 427, 428, 429, 433, 434
435, 436, 437, 438, 439
440

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

2 988
F011



RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE
1820 Clearwood Road (Lot 119 of Hillendale Farms,
Platbook 8-92/93), N/S Clearwood Rd, appx. 500' E
of c/l Oakleigh Rd, also SE/S Putty Hill Ave, 9th
Election District, 4th Councilmanic

Legal Owners: Estate of Doris L. Buttion

Petitioner(s)

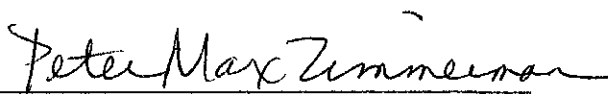
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY

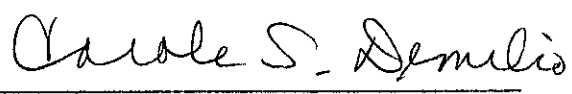
* Case Number: 98-438-SPHA

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.


Peter Max Zimmerman
People's Counsel for Baltimore County


Carole S. Demilio
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of June, 1998, a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams, Esq., Nolan, Plumhoff & Williams, 502 Washington Avenue, Suite 700, Towson, MD 21204, attorney for Petitioner(s).


PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 14, 1998

Newton A. Williams, Esquire
Nolan, Plumhoff & Williams, Chtd.
700 Nottingham Centre
502 Washington Avenue
Towson, MD 21204

RE: Drop-Off Petition (Item #438)
1820 Clearwood Road
9th Election District

Dear Mr. Williams:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. Once a detailed review has been completed by the staff, those comments will be forwarded to you (hopefully before the hearing).

As Baltimore County is no longer responsible for posting properties, I have enclosed the proper form pertaining to this. The sign must contain the wording indicated on the "Zoning Notice" form and the certificate of posting must be completed by the poster and returned to this office.

If you have any questions regarding the sign posting, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,

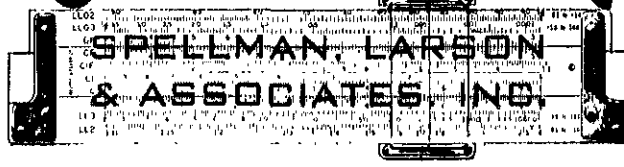
A handwritten signature in dark ink, appearing to read "WCR/scj".

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Enclosures





ROBERT E. SPELLMAN P.L.S.
JOSEPH L. LARSON

SUITE 109 — JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TEL (410) 823-3535
FAX (410) 825-5215

May 28, 1998

Mr. Carl Richards, Supervisor
Office of Zoning
Department of Permits &
Development Management
Baltimore County

ATTN: Ms. Sophia Jennings

"HAND DELIVERED"

Re: Hereford Plaza
Zoning Case No. 97-308-SPHA
(Harford Joint Venture)

Dear Ms. Jennings:

Attached hereto please find 12 copies of the revised Plat to Accompany Zoning Petition for the above-captioned project along with a check for \$100.00 to cover the required revision fee.

The attached Plan is being submitted for a full Agency review prior to a Hearing that has been scheduled before the Board Of Appeals for June 25, 1998.

The subject Plan has been revised in accordance with comments from the Community regarding the layout of the rear parking lot. Generally, the parking area has been relocated to the south end of the property and substantially reduced in size.

I would appreciate your earliest processing of the attached Plans for review and comment so that we may receive these comments timely, certainly well before the Hearing on June 25.

I would appreciate your earliest consideration of this matter.

Very truly yours,

SPELLMAN, LARSON & ASSOC.

Joseph L. Larson
PRESIDENT

cc: Michael Marino
Chuck Brooks
Peg Pearce



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 4, 1998

Newton A. Williams, Esquire
Nolan, Plumhoff & Williams, Chtd.
700 Nottingham Centre
502 Washington Avenue
Towson, MD 21204

RE: Drop-Off Petition Review (Item #438)
1820 Clearwood Road
9th Election District

Dear Mr. Williams:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed no unaddressed zoning issues and/or incomplete information. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$50.00 revision fee.

If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "C. A. Milton".

Catherine A. Milton
Planner II
Zoning Review

CAM:rye

Enclosure (receipt)

c: Zoning Commissioner



5/18/98
Y

Newton A. Williams

DIRECT DIAL:
(410) 823-7856

Law Offices
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED

SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX: (410) 296-2765

J. EARLE PLUMHOFF
(1940-1988)

RALPH E. DEITZ
(1918-1990)

TELECOPY COVER PAGE

DATE: May 13, 1998

TO: Mr. Carl Richards

FIRM: Zoning Office, PDM

FAX NO :410 887 2824

CLIENT/MATTER: 5773-1

By fax and by hand

PHONE NO. 410 887 3391

NUMBER OF PAGES (INCLUDING COVER SHEET): See text

Dear Carl:

RE: Variances and Special Hearing- 1820 Clearwood Road
Filing Package

Recently we brought in a filing for the Estate of Doris L. Button for the above address. At Kate's direction we redid the petitions and added new relief, see enclosed. At your direction, we have redone the petitions on the present forms, and we are herewith resubmitting them with the relief typed out. Finally, 12 darker site plans are resubmitted herewith.

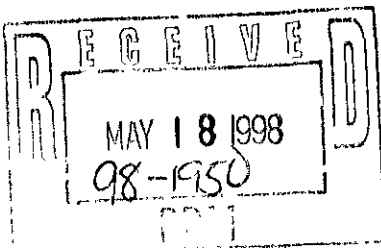
Please find enclosed a revised package including:

- 1. Three [3] Petitions for Variances and Special Hearing, as noted;**
2. Check for \$500 for the filing fee, \$250 for each petition[you have];
3. Seven [7] Zoning Descriptions [you have];
- 4. Twelve [12] site plans with revisions; and**
- 5.. Two [2] 200 scale zoning maps [you have].

It will be greatly appreciated if you will review these materials and accept them for filing if they are now in order. The earlier plan marked as a check print is enclosed as an aid in this regard. **Carl would you please check the relief requested to make sure we have covered everything.**

Thank you, and please let me know the item number or any other comments. Please note I have a Board case set for July second. Sincerely,

Newton



Fax cc:

Amy Seifert, Esq. 410 426 5127

Ken J. Wells P. E. 410 817 4329

IF FOR ANY REASON YOU NEED TO CONTACT US, PLEASE CALL

Newton Williams ,NPW OR MARCIE

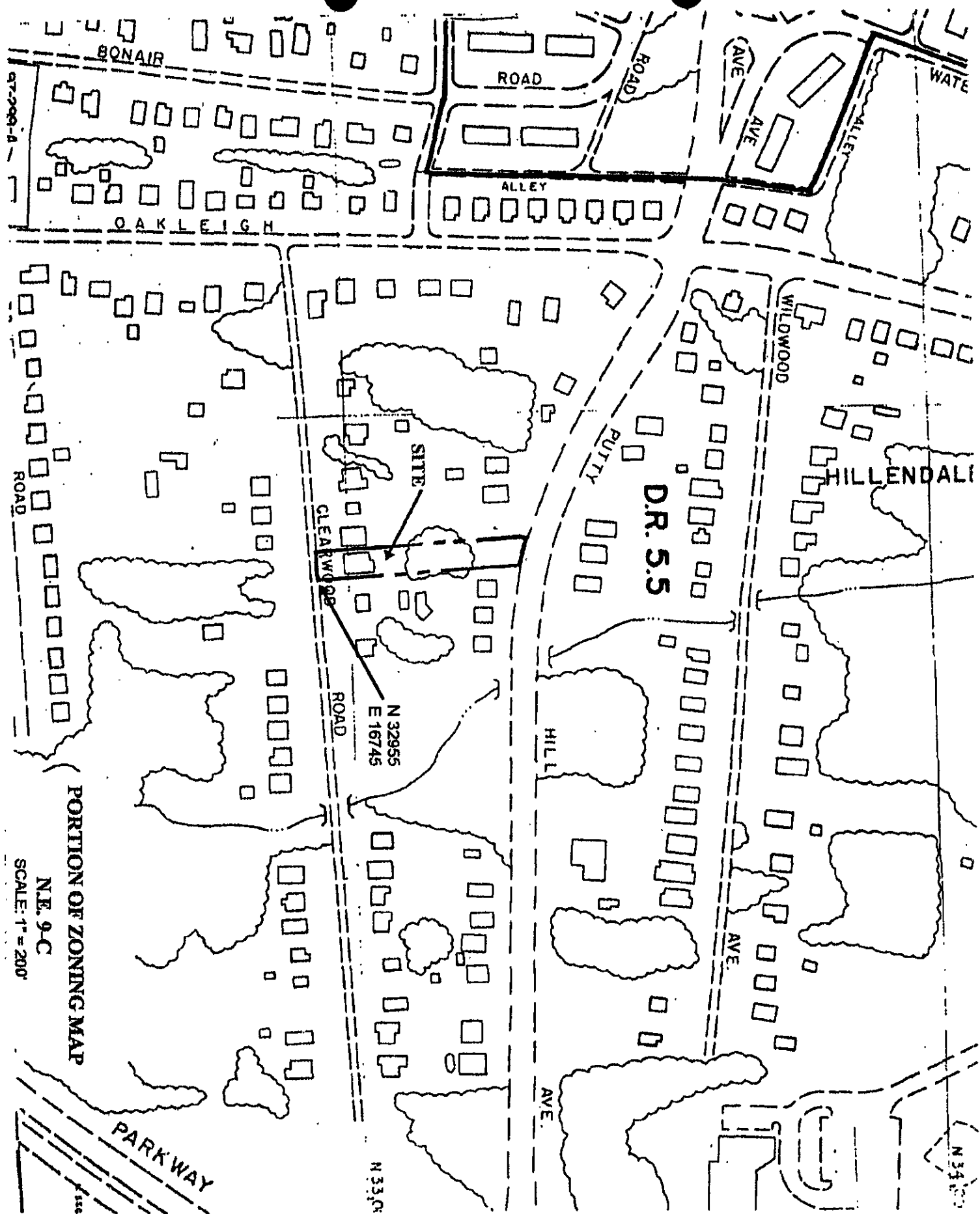
At 410-823-7800

wpdnawfax2998

CONFIDENTIALITY NOTICE

"WARNING: Unauthorized interception of this telephonic communication could be a violation of Federal and Maryland law."

The documents accompanying this telecopy transmission contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone to arrange for return of the original documents to us.



98-438-SPHA

[illegible]

June 26, 1998

To WHOM IT MAY CONCERN,

We, the undersigned, property owners
of 1818 Clearwood Road have no objections
to the following:

Division of the property at 1820 Clearwood Rd
or
any outbuildings or structures or
other items that may be close or
adjacent to our existing property lines.

Charles T. Kohnman
Eugene D. Robinson
1818 Clearwood Road
Baltimore, MD 21234
410-668-2163

RECEIVED
JUN 28 1998
4



A. 1818 Clearwood Road, house.
to west - note overlapping
near photos - enclosed.

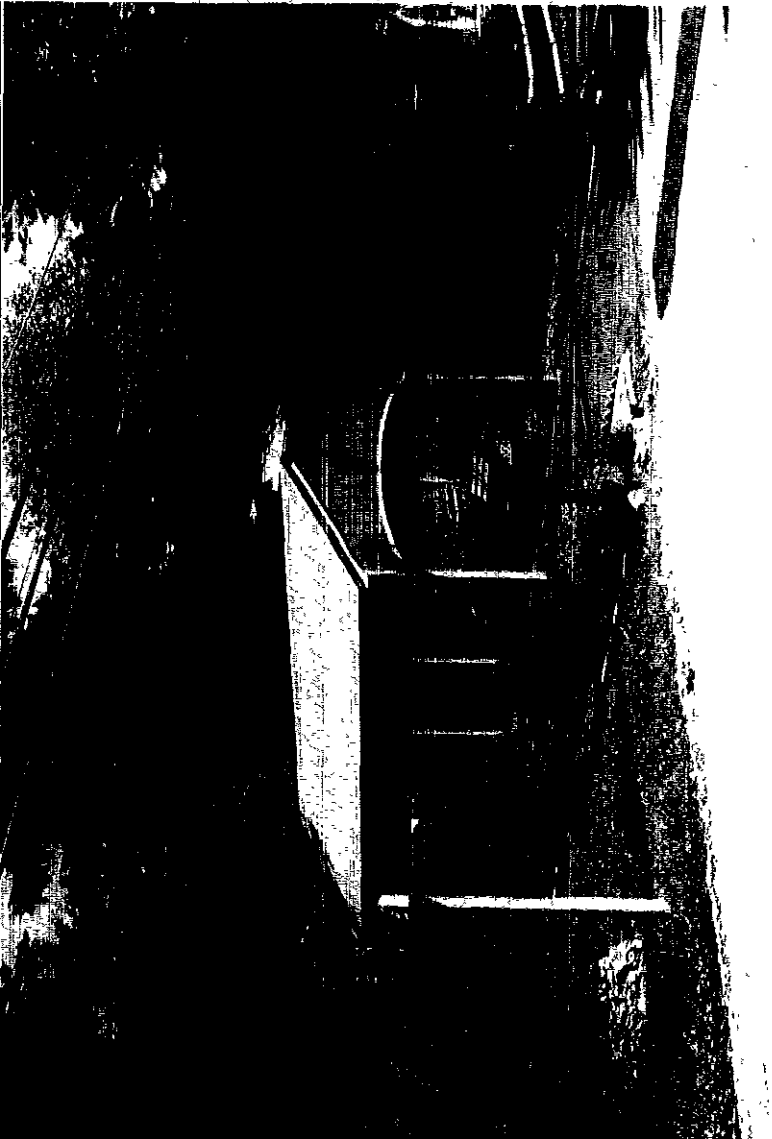
A1. Subject site - 1820 Clearwood Road. - note airport.

PERMIT 2

Button Estate - 98-438-SPHA

1820 Clearwood Road

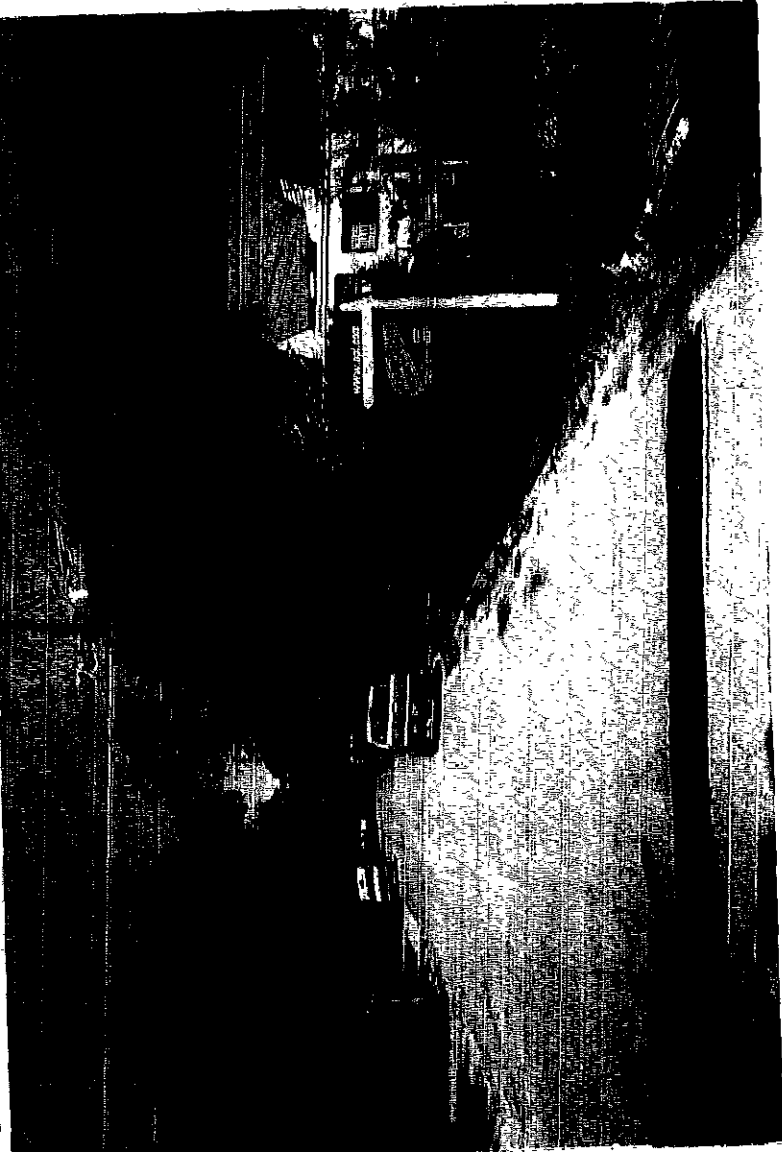
North side of Clearwood Rd., running through to
SE/5 of Putty Hill Avenue



B. Fuller view of Buttern Car Port, 1822.
Clearwood Road in background.



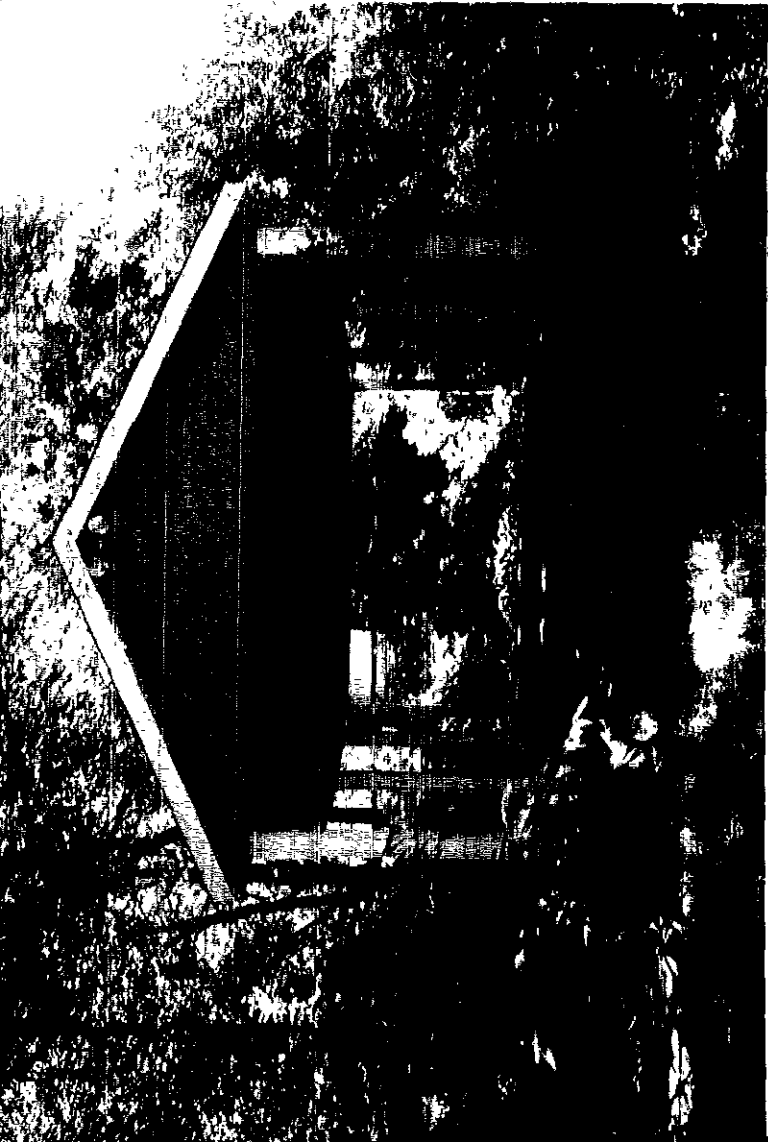
C. 1822 Clearwood Road, house immediately
adjoining on the east side of Buttern at 1820



D. Looking west on Cleavood Road from
in front of Buthorn at 1820



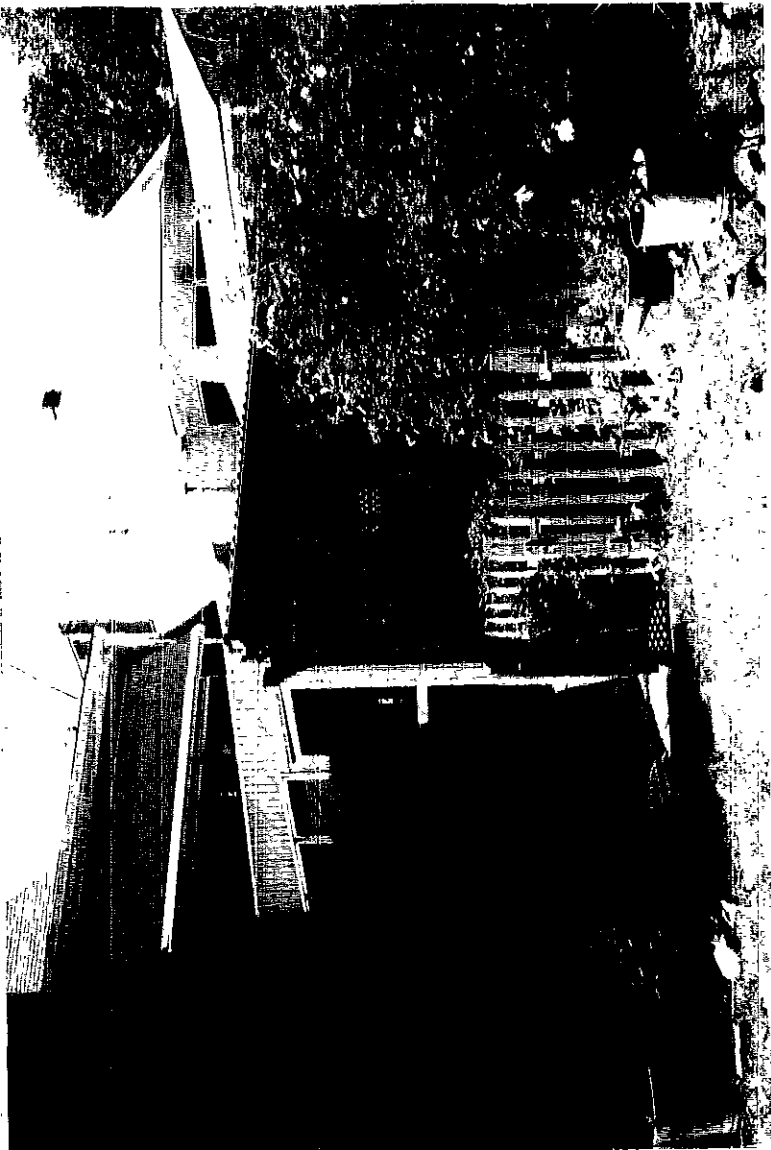
E. Looking east on Cleavood Road from in front of
Buthorn at 1820



F, Car Port at SW/C of Proposed Lot 2




G, 1822 Driveway from Cleavewood Rd
Button and Aft.



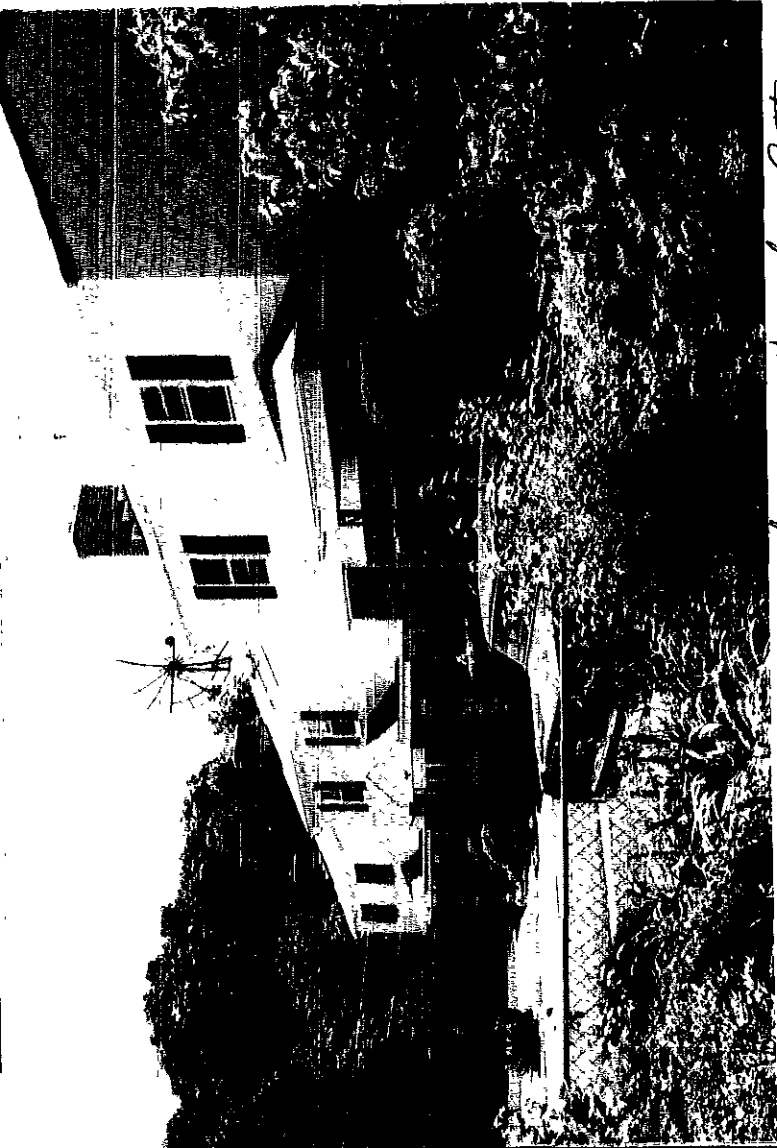
H. Enclosed patio on northwest corner of Butcher
Property - sits on lot line



I. Gardens in center of 1820 rear yard - Proposed
Lot 2 carpet in background.



1. Putty Hill Ave. frontage of Butters - fenced area in center - houses on split lots to left on east side of Butters, rear of 1818 Clearbrook on right side of Butters property

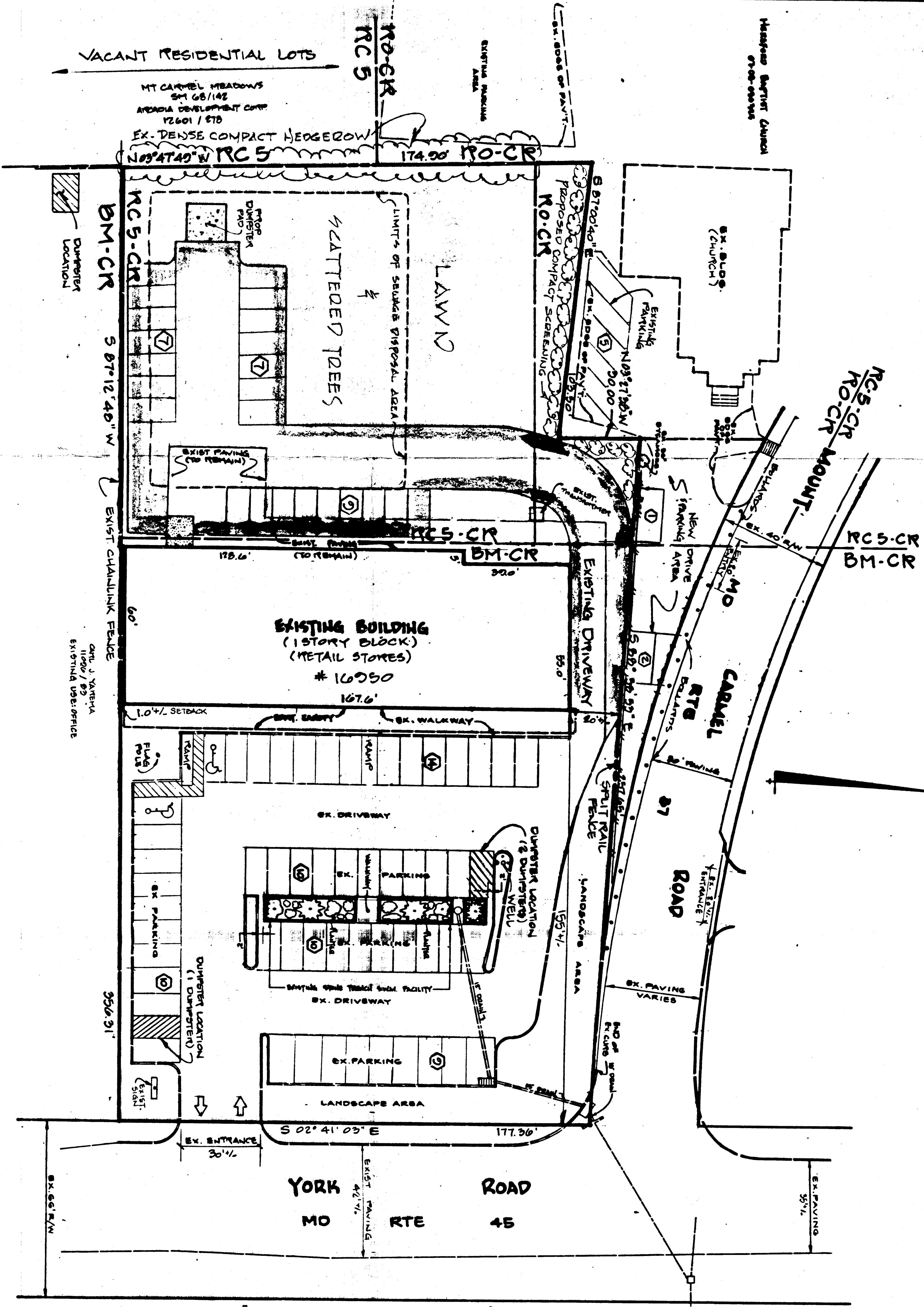


K. Behind 1822 Clearwood on south side of Putty Hill, newer home on split lots from Clearwood Road lots



L. Rear of 1816 Clearwood Road lot on Putty Hill area. Edgemoor house to west.

Harford Baptist Church
07-08-00000



LANDSCAPE NOTE:
LANDSCAPING WILL BE ADDRESSED TO
CONFORM WITH THE EXISTING AND LANDSCAPE
REQUIREMENTS PRIOR TO A
BUILDING/GRADING PERMIT APPROVALS
LIGHTING NOTE:
NEARBY PARKING LOT LIGHTING TO BE LOW
INTENSITY AND DIRECTED AWAY FROM
ADJACENT PROPERTIES

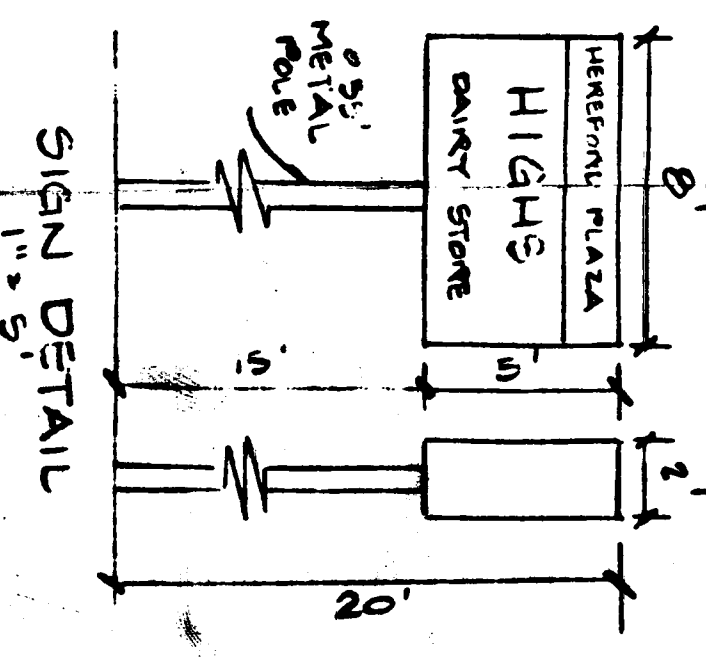
PROPOSED PARKING LAYOUT
SPECIAL HEARING (SHOWN SHADED)

ZONING PETITION REQUEST
THE ZONING PETITION AS REPRESENTED
BY THIS PLAN IS FOR THE APPROVAL FOR
CONVENTIONAL PARKING IN RESIDENTIAL (RC-5)
ZONE AS SHOWN IN THE REAR OF THE
SUBJECT SITE.

PARKING NOTE:
REAR PARKING AREA HOURS OF OPERATION AND
MAINTENANCE LATER
HOURS OF OPERATION: 7AM TO 11PM
THE PARKING LOT WILL BE MAINTAINED TO
KEEP LOT PAVING AND STRIPING IN A
SERVICEABLE AND WORKABLE CONDITION.

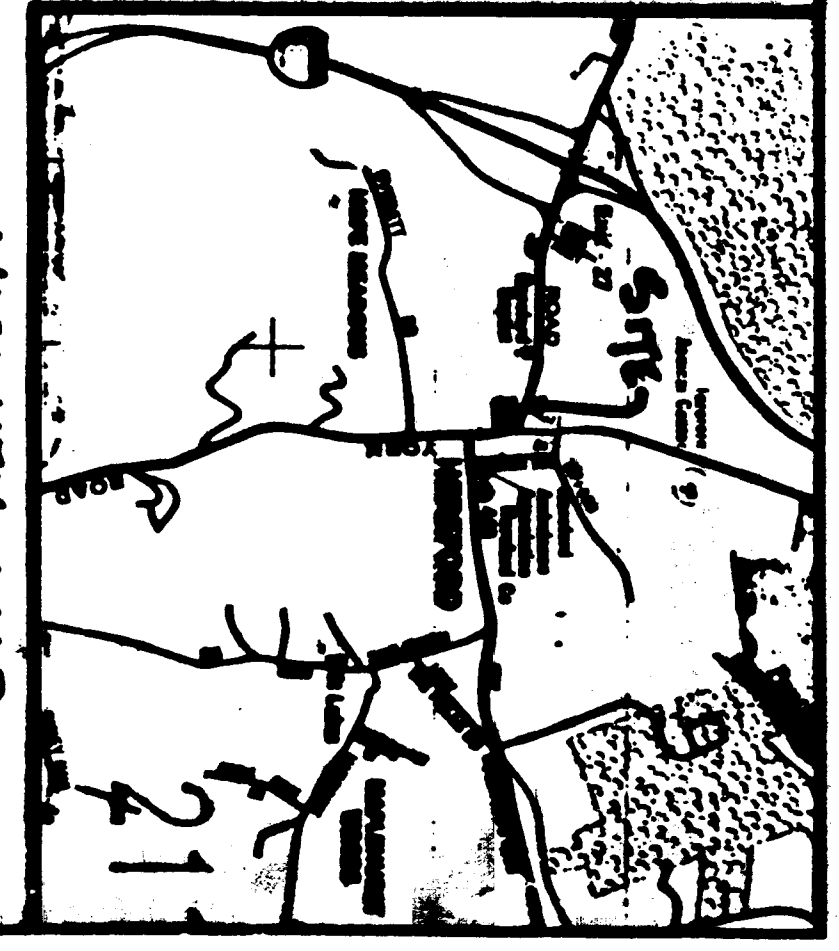
(PROPOSED) SHADDED WILL BE ENCLOSED
AND SUBMITTED.

NOTE:
THERE ARE NO PREVIOUS ZONING
HEARINGS, C.R.G. OR WAIVERS
RELATING TO THE SUBJECT SITE



TYPICAL PAVING DETAIL
NO SCALE

VICINITY MAP
SCALE: 1"=100'



- ZONING NOTES**
- All off-street parking facilities shall be subject to the following requirements:
 - Design, screening and landscaping - Design, screening and landscaping shall be provided in accordance with the requirements of the zoning ordinance and the Baltimore County Code.
 - Surface - A durable and durable surface shall be provided for the parking facility.
 - Lighting - Any lighting used to illuminate any parking facility shall be so arranged as to reflect the light away from the facility and not onto the adjacent street or property.
 - Distance to street line - No parking space in a parking facility shall be closer than 10 feet from the street line.
 - Access to street - Access to the street shall be provided for the parking facility.
 - Access to street - Access to the street shall be provided for the parking facility.
 - Access to street - Access to the street shall be provided for the parking facility.
 - The land so used must not be used as a place of business or industry (as defined in the zoning ordinance).

- Lighting shall be provided as to location, intensity and type of lighting as to street, and intensity as required (see plan).
- A site plan showing parking arrangements and vehicular access must be provided (see plan).
- Method and area of operation, provision for screening and landscaping shall be provided.
- Any conditions not listed above which, in the judgment of the zoning commissioner, are necessary to the proper use of the property, will not be considered as subject properties.



OWNER
HARFORD JOINT VENTURE
2403 HARFORD RD
BALTIMORE, MD 21234

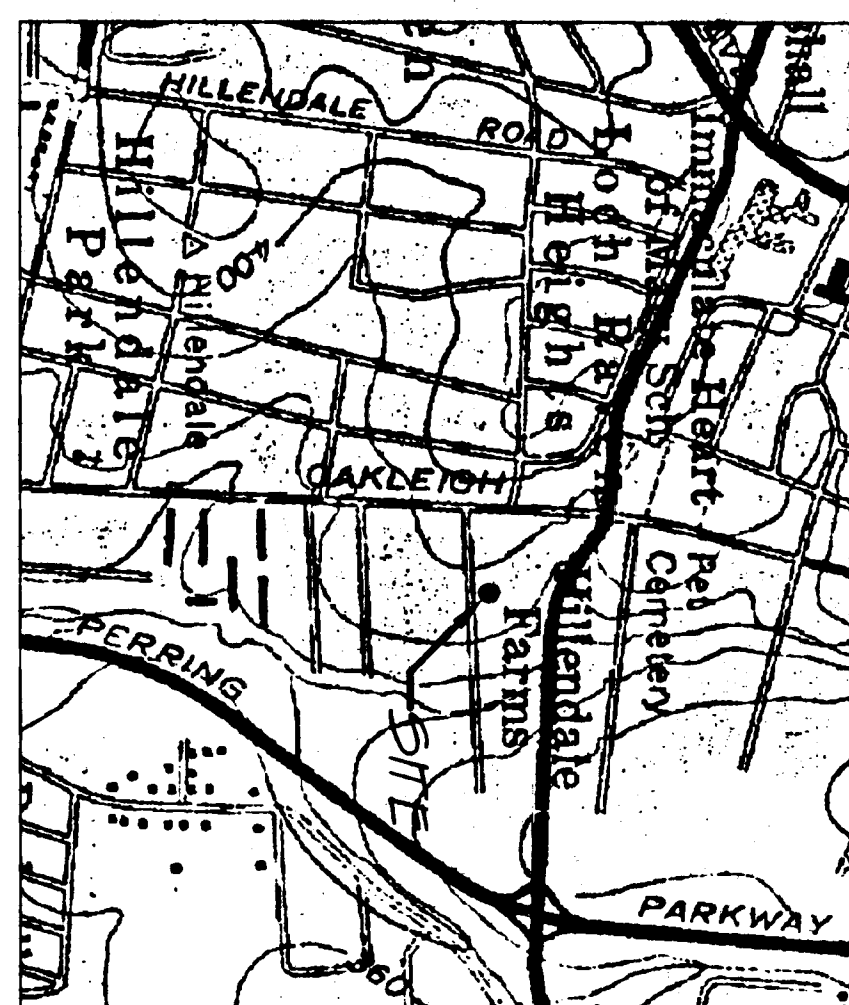
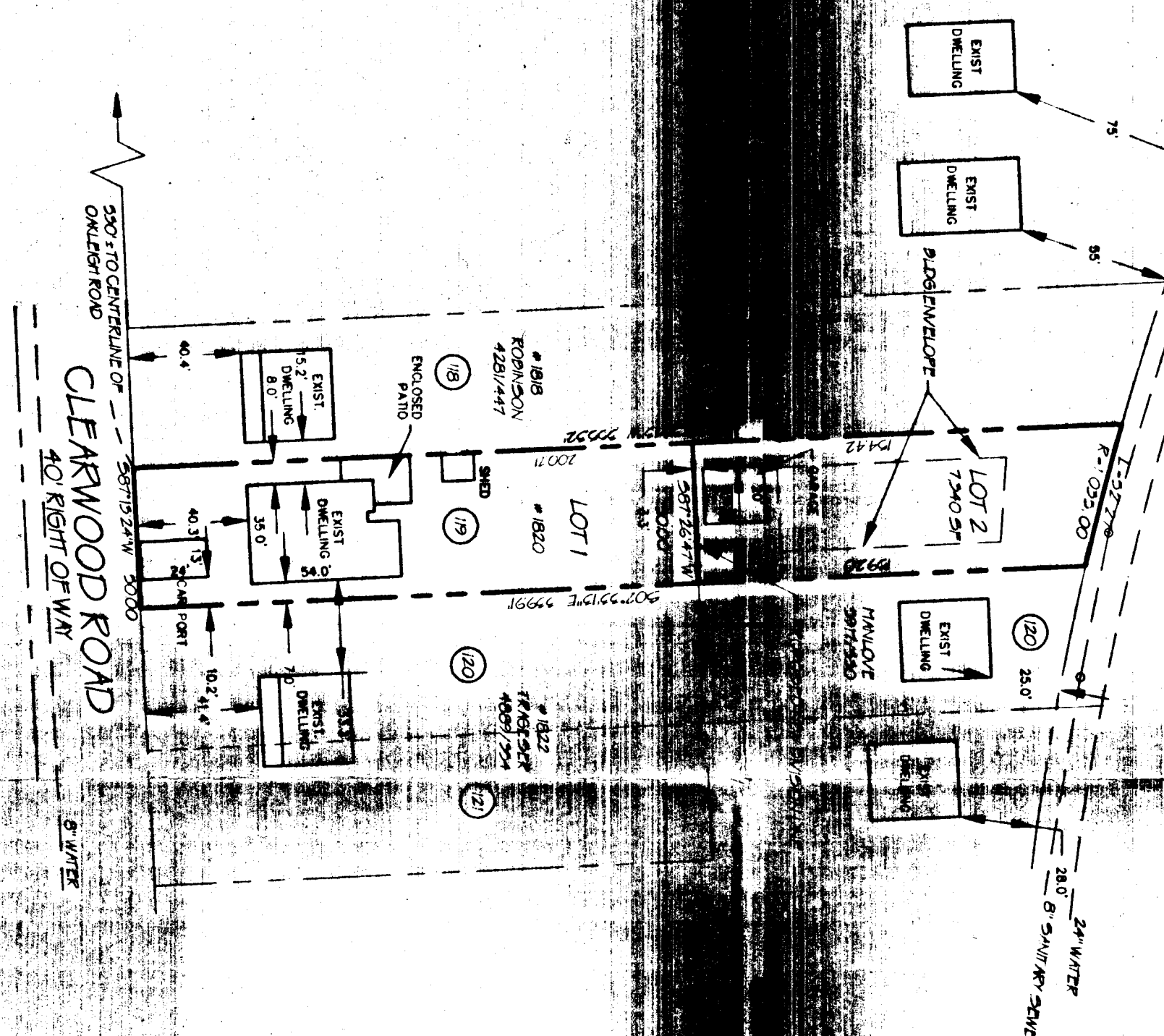
SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 109, JEFFERSON BLDG., TOWSON, MD., 21204
PHONE 823-3655

OWNER
HARFORD JOINT VENTURE
2403 HARFORD RD
BALTIMORE, MD 21234

PLAT TO ACCOMPANY
ZONING PETITION
HERFORD PLAZA
10950 YORK ROAD

1 ST EDITION DRAFT	DATE: 11/1/90	BY: JLS	DATE: 11/1/90	BY: JLS
SCALE: 1"=50'	DATE: 11/1/90	BY: JLS	DATE: 11/1/90	BY: JLS

PUTTY HILL AVENUE
70' RIGHT OF WAY
E 1/4



VICINITY MAP
SCALE: 1" = 1000'

SITE DATA:

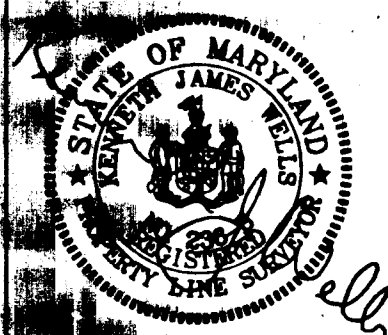
FOURTH AVENUE DISTRICT 4th
SECTION DISTRICT 9th
EAST 1st NE 9c
S 1/2 E 0.506 ACES 2863 Acre(s)
MAY BE USED FOR ANY PURPOSE

LOCATED IN CHESTNUT BL CRITICAL AREA
NO PRIOR ZONING HEARINGS
ZONING: DR-55
SUBDIVISION NAME: HILLENDALE FARMS
PLAT BOOK: 8/92 & 95
LOT: 1B
OWNER: LINDA BUTTON (PERSONAL REPRESENTATIVE,
DEED REFERENCE 2699) / AGO
PROPERTY NOT IN FLOOD PLAIN

ZONING OFFICE USE ONLY		
REVIEWED BY:	ITEM #:	CASE #:

PLAT TO ACCOMPANY
PETITION FOR ZONING
VARIANCES AND SPECIAL HEARING

1820 CLEARWOOD ROAD
BALTIMORE COUNTY
MARYLAND



kjWellsInc.

7403 NEW CUT ROAD
KINGSVILLE, MARYLAND 21087
(410) 592-8800

Land Surveying & Site Planning

SPECIAL HEARING REQUESTED:

TO PERMIT AN EXISTING ACCESSORY GARAGE STRUCTURE TO BE LOCATED ON A PROPOSED NEW LOT WITHOUT A PRINCIPAL STRUCTURE

VARIANCE REQUESTED:

SECTION 1P023C:

- 1) TO ALLOW A LOT OF FIFTY (50) FEET IN WIDTH (23 FEET AT STREET LINE) IN LIEU OF THE REQUIRED FIFTY FIVE (55) FEET.
- 2) TO ALLOW A SIDE YARD OF SEVEN (7) AND EIGHT (8) FEET IN LIEU OF THE REQUIRED TEN (10) FEET FOR AN EXISTING PRINCIPAL BUILDING.
- 3) TO ALLOW A SIDE YARD OF ZERO (0) FEET IN LIEU OF THE REQUIRED TEN (10) FEET FOR AN EXISTING ENCLOSED PATIO

SECTION 301:

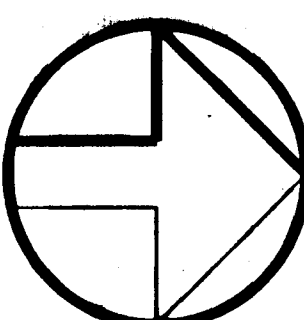
- 1) TO ALLOW A SET BACK OF ZERO (0) FEET IN LIEU OF THE REQUIRED SEVEN AND ONE HALF (7.5) FEET FOR AN EXISTING PATIO.

SECTION 4001:

- 1) TO ALLOW A SET BACK OF ZERO (0) FEET IN LIEU OF THE REQUIRED TWO AND ONE HALF (2.5) FEET FOR AN EXISTING ACCESSORY SHED STRUCTURE.
- 2) TO ALLOW AN ACCESSORY GARAGE STRUCTURE TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE REQUIRED REAR YARD

GRAPHIC

PETITION NO. 1
EXHIBIT NO. 1

BALTIMORE COUNTY
GRID MERIDIAN

DRAWN BY: KJM

CHECKED BY: KJM

DATE: 9/21/97

SHEET 1 OF 1

98.438.5PWA